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INTER-OFFICE COMMUNICATION

Palm Beach County, Fla.

TO: John Sansbury, County Administrator  
Richard Ellington, County Attorney  
Herbert Kahlert, County Engineer  
David Bludworth, State Attorney  
Basil S. Diamond, Asst. Attorney General  
Sgt. L. Lee, Sheriff's Civil Office  
Richard P. Willie, Sheriff  
Robert Basehart, Director, Planning, Zoning & Bldg.  
Bob Brockway, Director, Zoning Division  
Charlie Vitunac, Assistant County Attorney

DATE: October 30, 1978

FROM: J. Paul Icard  
Comptroller/Deputy Clerk

RE: PALM BEACH COUNTY ORDINANCE NO. 78-21 PROVIDING FOR REPEAL  
OF ORDINANCE NO. 74-29 THE PALM BEACH COUNTY PEDDLERS AND ROAD-  
SIDE STAND ORDINANCE.

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In accordance with the request of the Board of County Commissioners enclosed  
is a certified copy of subject Ordinance.

Signed

*J Paul Icard*

JPI:ph

Enclosure

cc: Commissioner Evatt  
Commissioner Bailey  
Commissioner Lytal  
Commissioner Medlen  
Commissioner Koehler  
John B. Dunkle, Clerk  
Minutes Department



ORDINANCE NO. 78- 21

AN ORDINANCE PROVIDING FOR REPEAL OF ORDINANCE  
NO. 74-29 THE PALM BEACH COUNTY PEDDLERS AND  
ROADSIDE STAND ORDINANCE; PROVIDING FOR TITLE;  
PROVIDING FOR CERTAIN ACTS PROHIBITED WITHOUT  
PERMIT; PROVIDING FOR REQUIREMENTS FOR PERMITS;  
PROVIDING FOR REVOCATION OF PERMITS; PROVIDING  
FOR VIOLATION OF ORDINANCE; PROVIDING FOR APPEAL;  
AND PROVIDING FOR EFFECTIVE DATE

WHEREAS, Section 3(1) of Ordinance No. 74-29 directs that  
"It shall be unlawful for any person, firm or corporation to  
establish any tent, stand, booth, display, or park a trailer, auto  
mobile or other vehicle or conveyance on any right-of-way of any  
public road, recreational area, drainage district rights-of-way  
of any roadside park or flood control district rights-of-way or  
county-owned land within the unincorporated areas of Palm Beach  
County, for the purpose of peddling or offering for sale goods,  
wares, and merchandise," and

WHEREAS, as an exception to Section 3(1), Ordinance No.  
74-29 allows the sale of vegetables or fruits on county-owned land  
or county road rights-of-way lying within the unincorporated areas  
of Palm Beach County as long as a permit is obtained from the  
Department of Planning, Zoning and Building in conjunction with th  
Engineering Department, subject to certain conditions, and

WHEREAS, the Board of County Commissioners on October 11,  
1977 authorized the County Attorney's Office to amend this law to  
include mobile food vendors as authorized exceptions to the  
general prohibition as long as the mobile food vendors obtained th  
same permit that fruit and vegetable vendors have to obtain, and

WHEREAS, Ordinance No. 74-29 addresses sales on any  
county-owned land and not only rights-of-way as was intended and  
thus needs to be amended;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY  
COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:



1           SECTION 1 - REPEAL OF ORDINANCE IN CONFLICT:

2           Ordinance No. 74-29, the Palm Beach County Peddlers and  
3           Roadside Stand Ordinance, is hereby repealed.

4           SECTION 2 - TITLE:

5           This ordinance may be cited as the "Roadside Stand  
6           Ordinance".

7           SECTION 3 - CERTAIN ACTS PROHIBITED WITHOUT PERMITS:

8           Except when permitted by Section 4 of this ordinance  
9           it is unlawful to make any commercial use of the rights-of-way  
10          of any county-maintained road, including any appendages thereto.  
11          Such prohibited uses include, but are not limited to, the sale or  
12          display for sale of any merchandise, the servicing or repairing  
13          of any vehicle except the rendering of emergency service, the  
14          storage of vehicles being serviced or repaired on abutting property  
15          or elsewhere, the solicitation for the sale of goods, property,  
16          or services, or charitable purposes, or the display of advertising  
17          of any sort.

18          SECTION 4.- REQUIREMENTS FOR PERMITS:

19          The sale of vegetables or fruits from stands, or ready-to-  
20          eat foods from mobile vendors shall be allowed on the rights-of-  
21          way mentioned in Section 3, provided that the seller first obtains  
22          a permit from the Planning, Zoning and Building Department which  
23          permit shall be issued only if the applicant shall have:

24                (A) Applied for the permit on a form provided by the  
25                Planning, Zoning and Building Department.

26                (B) Signed a copy of the permit rules listed in Section 5  
27                of this ordinance stating that the applicant understands the rules  
28                and agrees to abide by them.

29                (C) Posted a \$100 bond with the Planning, Zoning and  
30                Building Department as security for any costs which might be  
31                incurred by the County caused by the applicant's non-compliance  
32                with this ordinance.

33                (D) Provided a letter signed by the owner of the property  
34                contiguous to the road right-of-way indicating no objection to  
35                the proposed use.



1                    SECTION 5 - CONDITIONS OF PERMITS:

2                    All permits granted by the Planning, Zoning and Building  
3 Department shall:

4                    (A) Designate the location at which the seller may  
5 operate, which location must be acceptable to the Planning, Zoning  
6 and Building Department.

7                    (B) List any special conditions necessary to protect  
8 the public from undue risk of harm.

9                    (C) Obligate the seller to keep the area free from  
10 garbage and litter and comply with all health laws which may be  
11 applicable.

12                   (D) Authorize hours of operation between one hour after  
13 sunrise to one-half hour before sunset only.

14                   (E) Require that at the close of business for the day all  
15 equipment used in the operation be removed from the road right-of-  
16 way for the night and not be replaced until the next authorized  
17 time of operation.

18                   SECTION 6 - REVOCATION OF PERMITS:

19                   All permits granted by the Planning, Zoning and Building  
20 Department shall be valid for not longer than one year and may be  
21 revoked at any time before one year by sending a certified letter  
22 to the applicant stating the permit termination and the reason  
23 for the termination. Permits may be terminated if the permitted  
24 operation becomes a threat to the public health, safety and wel-  
25 fare or if the applicant otherwise violates this ordinance.

26                   SECTION 7 - APPEAL:

27                   An appeal may be taken from any permit revocation or denial.  
28 Within 7 days after the receipt of the denial or revocation, the  
29 applicant shall deliver to the Director of the Planning, Zoning  
30 and Building Department a written request to appeal. The Director  
31 shall thereupon forward this request to the Board of County  
32 Commissioners to be placed on the agenda at the next regularly  
33 scheduled County Commission meeting.

34                   SECTION 8 - VIOLATION OF ORDINANCE:

35                   Violation of this ordinance shall be a misdemeanor punish-  
36 able according to law.



1                    SECTION 9 - EFFECTIVE DATE:

2                    The provisions of this ordinance shall become effective  
3 upon receipt of acknowledgement by the Department of State, State  
4 of Florida.

5                    APPROVED AND ADOPTED by the Board of County Commissioners  
6 of Palm Beach County, Florida on the 24 day of October,  
7 19 78.

8                    PALM BEACH COUNTY, FLORIDA, BY ITS  
9                    BOARD OF COUNTY COMMISSIONERS

10                   By [Signature]  
11                   Chairman

12 Acknowledged by the Department of State, State of Florida, on the  
13 26th day of October, 19 78.

14  
15 EFFECTIVE DATE: Acknowledgement from the Department of State  
16 received on October 30, 19 78 at 1:15 P.M.  
17 and filed in the Office of the Clerk of the Board of County  
18 Commissioners of Palm Beach County, Florida.

19  
20  
21 APPROVED AS TO FORM AND  
22 LEGAL SUFFICIENCY

23 By [Signature]  
24 County Attorney